

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ARcare, Inc., on behalf of itself and all others  
similarly situated,

Plaintiff,

v.

Case No.: 1:16-cv-11547-DPW

Cynosure, Inc.,

Defendant.

**PLAINTIFF'S SUPERSEDING PROPOSAL  
FOR INITIAL DISTRIBUTION OF SETTLEMENT FUNDS**

On October 15, 2019, Plaintiff filed its Proposal for Initial Distribution of Settlement Funds to claiming class members and to the settlement administrator (ECF No. 64). In that document, Plaintiff outlined two options for the Court's consideration: "Option A," which contemplates holding back the requested sums for fees, incentive awards, and current and future expenses, and distributing \$6,000,000 to class members by payments of \$786.99; and "Option B," which would divide the class payments into two parts, with distributions in both 2019 and 2020 in order to simplify administration.

Because of the late date of the proposal, Option B would have required an expedited schedule to effectuate the 2019 payment. As it stands now, there is not enough time to administer Option B. Plaintiff therefore files this Superseding Proposal with the intent that it supersede that portion of the October 15 proposal, and that portion of any accompanying supportive documentation (including, but not limited to, ECF Nos. 69 and 71), that contemplate the Option B course of action.

Plaintiff maintains the opinion that Option A, as it was initially proposed, remains an appropriate, effective plan for the initial settlement distribution to claiming class members.

Plaintiff therefore asks the Court to consider the Option A portion of the original proposal and incorporate any and all supporting documentation previously filed with the Court. With the Court's approval and authorization, the settlement administrator will begin the process of collecting Form W-9 tax information from claimants so their checks can be issued in early 2020.

Plaintiff will file an Amended Proposed Final Approval Order and Judgment for the Court's consideration, contemporaneous with this filing and in accordance with its content.

Dated: November 26, 2019

Respectfully submitted,

ARcare, Inc., an Arkansas Corporation, on behalf of itself  
and all others similarly situated

By: /s/ Randall K. Pulliam  
One of their attorneys

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 26<sup>th</sup> day of November 2019, a true and correct copy of the foregoing was served upon counsel of record through the Court's CM/ECF filing system.

/s/ Randall K. Pulliam

RANDALL K. PULLIAM